

**EXCERPTS FROM THE DEPOSITION OF  
EGON DURBAN  
TAKEN SEPTEMBER 7, 2021**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

4  
5 IN RE TESLA, INC. )  
6 SECURITIES LITIGATION ) Case No. 3:18-cv-04865-EMC  
7 ) Volume I  
8 ) Pages 1 to 165  
9 )  
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15 REMOTE VIDEOCONFERENCED VIDEOTAPED DEPOSITION OF  
16 EGON PIERRE-DURBAN

17 Remotely in Los Angeles, California

18 Tuesday, September 7, 2021

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24 Reported by:  
25 ELIZABETH BORRELLI, CSR No. 7844, CCRR, CLR  
JOB NO. 199146

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8           Remote Videoconferenced Videotaped  
9       Deposition of EGON PIERRE-DURBAN, Volume I,  
10      taken on behalf of the Plaintiffs, remotely in  
11      Los Angeles, California, commencing at  
12      10:31 a.m., Tuesday, September 7, 2021, before  
13      Elizabeth Borrelli, a Certified Shorthand  
14      Reporter in the State of California, License  
15      No. 7844.

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1 APPEARANCES OF COUNSEL:

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3 For the Plaintiffs:

4 LEVI & KORSINSKY  
5 BY: NICHOLAS PORRITT, ESQ.  
ELIZABETH TRIPODI, ESQ.  
KATHY AMES VALDIVIESO, ESQ.  
6 1101 30th Street NW  
Washington, DC 20007  
7

8

9 For Tesla:

10 COOLEY  
11 BY: SARAH LIGHTDALE, ESQ.  
55 Hudson Yards  
New York, New York 10001  
12

13

14 For the Witness:

15 DEBEVOISE & PLIMPTON  
16 BY: JULIE RIEWE, ESQ.  
BRANDON FETZER, ESQ.  
801 Pennsylvania Avenue N.W.  
17 Washington, DC 20004  
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21 Also Present:

22 KAREN KING, appearing remotely

23 SHARON BINGER, appearing remotely

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1 LOS ANGELES, CALIFORNIA; TUESDAY, SEPTEMBER 7, 2021

2 10:31 A.M.

3

4 THE VIDEOGRAPHER: Good morning. My name  
5 is Chris Jordan and I'm the legal videographer in  
6 association with TSG Reporting. Due to the COVID-19  
7 and following the practice of social distancing, I  
8 will not be in the same room with the witness;  
9 instead, I will record this videotaped deposition  
10 remotely.

11 The reporter, Ms. Borrelli, also will not  
12 be in the same room and will swear the witness  
13 remotely.

14 Do all parties stipulate to the validity  
15 of this video recording and remote swearing and that  
16 it will be admissible in the courtroom as if it had  
17 been taken following Rule 30 of the Federal Rules of  
18 Civil Procedures and the state's rules where this  
19 case is pending?

20 MR. PORRITT: Yes.

21 MS. RIEWE: Yes.

22 MS. LIGHTDALE: Yes.

23 MS. KING: Yes.

24 THE VIDEOGRAPHER: Thank you, Counsel.

25 Thank you.

1                   This marks the beginning of the videotaped  
2 deposition of Egon Durban being taken In Re: Tesla,  
3 Inc., Securities Litigation, being held in the  
4 United States District Court for the Northern  
5 District of California, San Francisco Division.

6                   The deposition is being taken on  
7 September 7, 2021, at approximately 10:32 a.m.  
8 Again, my name is Chris Jordan with TSG Reporting.  
9 The court reporter is Liz Borrelli with TSG  
10 Reporting.

11                  Will counsel please state your name for  
12 the record.

13                  MR. PORRITT: Nicholas Porritt on behalf  
14 of Plaintiff Glen Littleton and the class. With me  
15 is Elizabeth Tripodi and Kathy Ames for the firm  
16 Levi & Korsinsky LLP.

17                  MS. RIEWE: And Julie Riewe. With me is  
18 Brandon Fetzer with Debevoise & Plimpton, counsel  
19 for the deponent, Mr. Egon Durban.

20                  MS. LIGHTDALE: Sarah Lightdale from  
21 Cooley on behalf of the defendants.

22                  And I have two preliminary matters to  
23 cover as we have covered in other depositions in  
24 this case. The first is to confirm that as with --  
25 again, as with other depositions, we will reserve

1 purely evidentiary objections until a later time and  
2 only offer form objections. And the second is to go  
3 ahead and put this transcript and designate it as  
4 confidential under the protective order.

5 MR. PORRITT: And once again, noting your  
6 statement, reserving rights, obviously, on that --  
7 on the designation.

8 THE VIDEOGRAPHER: Has all counsel stated  
9 their name and appearance?

10 MS. KING: This is Karen King, counsel for  
11 Silver Lake, the defendant's [sic] employer.

12 MS. BINGER: And Sharon Binger as well for  
13 Silver Lake.

14 THE VIDEOGRAPHER: Thank you.

15 Will the reporter please swear in the  
16 witness.

17 EGON PIERRE-DURBAN,  
18 having been duly administered  
19 an oath in accordance with CCP 2094,  
20 was examined and testified as follows:

21 EXAMINATION

22 BY MR. PORRITT:

23 Q. Good morning, Mr. Durban. As I stated  
24 before, my name is Nicholas Porritt. I'm one of the  
25 attorneys for the plaintiff in this matter.

**DEPOSITION TESTIMONY  
FILED UNDER SEAL**

**ERRATA  
FILED UNDER SEAL**

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss.  
3

4 I, Elizabeth Borrelli, Certified Shorthand  
5 Reporter, Certificate No. 7844, for the State of  
6 California, hereby certify:

7 I am the deposition officer that  
8 stenographically recorded the testimony in the  
9 foregoing deposition;

10 Prior to being examined the deponent was  
11 first duly sworn by me;

12 The foregoing transcript is a true record  
13 of the testimony given;

14 Before completion of the deposition,  
15 review of the transcript [X] was [ ] was not  
16 requested. If requested, any changes made by the  
17 deponent (and provided to the reporter) during the  
18 period allowed are appended hereto.

19  
20 Dated: September 17th, 2021.  
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24 ELIZABETH BORRELLI, CSR 7844  
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